GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – ICDS Department - Allegation of Criminal conspiracy and Criminal breach of trust against Smt. V. Aruna kumari, Smt. C. Sreemathamma, Smt. P. Rama Devi, Smt. P. Bharathi & Smt. P.Nirmala, Child Development Project Officers, ICDS Project, YSR District, Kadapa – Sanction of Prosecution under section 197 of Cr.P.C 1973- Accorded - Orders - Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DIFFERENTLY ABLED & Sr. CITIZENS (ESTT)

G.O.MS.No. 1 Dated: 10-02-2021

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ORDER:-

Whereas, (1) Smt. V. Arunakumari W/o Glory Shedrac, aged fifty three (53) years, worked as CDPO, ICDS Project, Kadapa Rural from 13-08-2013 to 04-12-2014, now working as CDPO, ICDS Project, Kadapa Urban (2) Smt. C. Sreemathamma W/o Y.V Kumar, aged fifty seven (57) years, Worked as CDPO, ICDS Project, Kamalapuram from 20-05-2013 to 31-03-2018, now working as ACDPO, ICDS Project, Rayachoti, (3) Smt. P. Rama Devi W/o U.P Bramham, aged fifty one (51) years, Worked as CDPO, ICDS Project, Lakkireddypalli from 16-05-2013 to 20-08-2015, now working as CDPO, ICDS Project, Kadapa Rural, (4) Smt. P. Bharathi W/o S. Subbarayudu, aged sixty (60) years, Worked as CDPO, ICDS Project, Rayachoti from 17-07-2009 to 25-11-2014, who retired from service on attaining the age of superannuation on 30-06-19 and (5) Smt. P. Nirmala W/o J. Venugopal, aged fifty four (54) years, worked as CDPO, ICDS Project, Sidhout from 24-07-2009 to 30-11-2014, now working as CDPO, ICDS Project, Rajampet. By virtue of the post held by them, they fall under the category of Public Servants within the meaning of section 21 of the Indian Penal Code, 1860 (ACT NO. 45 OF 1860).

2. And whereas, after publishing an article on 22.07.2015 in 'Saakshi Daily Newspaper' under the caption "Prestige Poindhi" about the misappropriation of Government funds in the supply of the 'Prestige Brand Pressure Cookers' to the Anganwadi Centers, ICDS Projects, YSR District, Kadapa, LW.1 Sri N. Veera Raghava Rao, Project Director, DW&CDA, Kadapa, having found in his enquiry that A1 to A5 have committed fraudulent activities, submitted his enquiry report to the District Collector, Kadapa in the form of Office Note File No.2560/A1/2015, dated:07-08-2015. Subsequently, LW.1 submitted Office Note File No.2560/A1/2015, dated 12-09-2015 to the District Collector, Kadapa and seeking instructions, dated 13-09-2015, for booking of criminal case against the CDPOs A1 to A5. Subsequently, LW.1 lodged a complaint before the Superintendent of Police, YSR District, Kadapa on 14-09-2015 and it was endorsed to SHO, Kadapa, I town P.S. Basing on the said complaint, on 26.09.2015, a case was registered in Kadapa 1 Town, P.S vide Cr.No.444/2015 under sections 420, 409 read with 34 of IPC, 1860 (ACT NO. 45 OF 1860), against A1 to A5. Brief facts of the case are that "This is a case of Cheating for the purpose of pecuniary gains and misappropriated the Government funds by way of supplying sub-standard, low cost, unsafe Pressure Cookers to the Anganwadi centers instead of approved brand of Prestige Company Pressure Cookers that occurred prior to 26.09.2015 at District Women and Child Development Agency, ICDS Project, YSR District, Kadapa that as per the proceedings in RC.No.2560/A1/2013 dated 14.09.2015, the District Purchase Committee, Kadapa approved the tender filed by M/S M & S enterprises, Proddatur for supply of 'Prestige Brand Pressure Cookers' to the Anganwadi centers of Kadapa District @ Rs.940/- for each 5 Liters, and Rs.1,320/- for each 7.5 Liters for the year 2013 – 2014. Accordingly, the Project Director, DW & CDA, Kadapa has sanctioned Rs.74,69,060/- vide Bill Nos.51 & 52 dt. 10.03.2014 to A6 P. Madhusudhan Reddy, Proprietor of M/S M & S Enterprises, Proddatur for supply of 3621 Nos of 7.5 liters & 2861 Nos of 5 liters, all Prestige Brand Pressure Cookers to the Anganwadi centers, ICDS Projects in Y.S.R

District. Subsequently, the CDPOs A.1 to A.5 have issued delivery receipts to the Supplier A6 Proprietor of M/S M & S Enterprises, Proddatur, without mentioning the date, certifying that they have received all the Prestige Brand Pressure Cookers as per the requirement. After publishing an adverse article in Saakshi daily news paper dated 22-07- 2015, when LW.1 enquired into the matter, it came to light that the CDPOs A.1 to A.5 with a malafide intention for their pecuniary gain, have colluded with the Supplier A6 , and received some items of unbranded local made low cost and unsafe Prasanthi Pressure Cookers , instead of approved brand of Prestige Pressure Cookers. Further, without receiving the total number of Pressure Cookers as per the requirement norms, A.1 to A.5 issued delivery receipts to A6 as they have received all the Prestige Brand Pressure Cookers as per the requirement, thereby misappropriated the Government funds to a tune of Rs.10,05,620/-.

3. As per the orders of the Superintendent of Police, YSR District, Kadapa vide C.No.220/C2-DCRB/KDP/2015 dated 12-10-2015, the said case was transferred to CCS (Central Crime Station), Kadapa for further investigation from Kadapa 1 Town, P.S and as per the instructions of the Deputy Superintendent of Police, CCS, Kadapa the case was handed over to Sub-Inspector of Police, CCS, Kadapa, who renumbered the case as Kadapa CCS Cr.No.7/X/2015 under sections 420, 409 r/w 34 of IPC, 1860 (ACT NO. 45 OF 1860),and took up further investigation.

4. And whereas, Investigation Officers of Central Crime Station, Kadapa have examined 37 witnesses. The complainant LW.1 stated that, after publishing the adverse article, in Saakshi Daily Newspaper dated 22-07-2015, he enquired about the misappropriation of Government funds in the supply of Pressure Cookers to the Anganwadi centers, ICDS Projects, YSR District. During his enquiry, it was elicited that A1 to A5 and A7 colluded with the Supplier A6 for their pecuniary gain, and A7 issued financial sanction orders for Rs.74,69,060/- vide Bill No.51 dated 10-03-2014 & Bill No.52, dated 10-03-2014, and made total payment to the Supplier A6 prior to receipt of single item of Pressure Cookers. Further, A1 to A5 received 818 numbers (5 liters) & 856 numbers (7.5 liters) of local made, low cost and unsafe 'Prasanthi Pressure Cookers' besides pending receipt of 53 numbers (5 liters) & 3 numbers (7.5 liters) Cookers from the Supplier A6, and issued delivery receipts to A6 that they received all the approved brand of 'Prestige Pressure Cookers' thereby misappropriated Government funds to a tune of Rs.10,05,620/-. Later, after conducting enquiry into the matter, sought permission from the District Collector, Kadapa by submitting his enquiry report, and after lodging the complaint against A1 to A6 before the Superintendent of Police, Kadapa on 14-09-2015, A1 to A5 & A7 supplied the approved brand of Prestige Pressure Cookers replacing the duplicate Pressure Cookers to the CDPOs of Kadapa Rural, Kamalapuram, Lakkireddipalli, Rayachoti and Sidhout besides fulfilling the short supply of Pressure Cookers. The said act was done by A1 to A7 with a view to avoid future complications. LW.3 G. Murali, Asst. Director, Industries, Kadapa & LW4. T. Prabhakar Rao, Asst. Director, Civil Supplies, Kadapa who were Members of District Purchase Committee, Kadapa, stated that they themselves along with A7 K. Leelavathi PD, DW&CDA, Kadapa, being the members, and the Joint Collector, Kadapa, being the Chairman of the District Purchase Committee, Kadapa, invited tenders for supply of 'Prestige Brand Pressure Cookers' to the Anganwadi Centers, ICDS Projects, YSR District, and the Committee finalized the firm M/S M & S Enterprises, Proddatur of A6. Further, they learnt that A1 to A5 & A7 being the CDPOs, and PD have colluded with the Supplier A6 and committed fraudulent activities in supplying the Pressure Cookers for their pecuniary gains. After the fraudulent activities have been established, A1 to A7 took up the redressal measures in order to avoid future complications by replacing the duplicate cookers with the approved brand of Prestige Pressure Cookers in order to fulfil the short supply of the Pressure Cookers. LW.2 Gudamaguntla Munaswamy Ravi, Superintendent, O/o PD (DW&CDA) Kadapa, LW.5 Srisailam Rajeswari, CDPO Proddatur Urban, LW.6 Syed Muntaj Begam, CDPO Jammalamadugu, LW.7 Kalva Himavathi, CDPO Muddanuru, LW.8 Chowdavaram Adi Lakshmamma, CDPO Porumamilla, LW.9 Yaga Suja Mani, CDPO Railway Kodur, LW.10 Cherakupalli Rajamma, CDPO Badvel, LW.11

Dudekula Kullaye Das, Senior Asst. in CDPO office, Kadapa Rural, LW.12 Mungara Sujathamma, Junior Asst. in CDPO office, Kadapa Rural, LW.13 Lebhaka Rajakumari, Anganwadi Teacher in Peddaputta village, Vallur Mandal, LW.14 Kotla Sandya Rani, Anganwadi Teacher in Chennur village & Mandal, LW.15 Vankara Annapurna, Data Entry Operator in CDPO office, Sidhout, LW.16 Kadiri Sudhakar, Junior Asst. in CDPO office, Rayachoti, LW.17 Sane Eswaraiah, Typist in CDPO office, Rayachoti, LW.18 Satti Vanaja, Senior Asst. in CDPO office, Rayachoti, LW.19 Naguri Siddamma, Anganwadi Teacher in Alimabad street, Rayachoti town, LW.20 Shaik Masuroon Bee, Anganwadi Teacher in Rayudu colony, Rayachoti town, LW.21 Patukuri Mukula, Anganwadi Teacher in Konetigadda, Rayachoti, LW.22 Venkatampalli Suneetha, Supervisor of Kamalapuram Sector, LW.23 Shaik Samshad, Supervisor of Yerraguntla Sector, LW.24 Karapureddy Obulamma, Supervisor of V.N Palli Sector, LW.25 Peyyala Prameela, Senior Asst. in CDPO office, Kamalapuram, LW.26 Sudha Lakshmidevi, Anganwadi Teacher in Bayanapalllli Village, Kamalapuram Mandal, LW.27 Bireddy Venkata Lakshmamma, Anganwadi Teacher in Payasmpalle Village of V.N Palli Mandal, LW.28 Pydakula Rudraiah, Junior Assistant, CDPO office, Lakkireddipalli, LW.29 Kadiri Prasad Rao, Attender in CDPO office, Lakkireddipalli, LW.30 Rayachoti Rasamma, Supervisor of Lakkireddipalli Sector, LW.31 Yellaturu Guramma, Supervisor of Guvvalacheruvu Sector, Ramapuram Mandal, LW.32 Neegine Subbarathnamma, Supervisor of Maddirevula Sector, Lakkireddipalli Mandal, LW.33 Athyala Barathamma, Anganwadi Teacher in Ganganeru village, Ramapuram Mandal, LW.34 Chellu Ratnamma, Anganwadi Teacher in Lakkireddipalli, LW.35 Kamuri Sreedevi, Anganwadi Teacher in Chaguttapalli, Lakkireddipalli Mandal, LW.36 Police Kavithadevi, ACDPO, Lakkireddipalli and LW.37 Kakiyala Krishnaven, CDPO, Kadapa Rural have also stated in corroboration with the statement of LW.1.

5. During the course of investigation, the I.O LW.39 has verified the Stock Registers being maintained in the offices of CDPO Sidhout, Rayachoti, Kamalapuram, Lakkireddipalli and Kadapa Rural and found certain irregularities. On verification of the entries in the Stock Register of the CDPO Office, Sidhout, it is evident that A6 supplied due Pressure Cookers on 22-09-2015 after lodging the complaint by LW.1. On verification of the entries in the Stock Register of CDPO Office, Rayachoti, it is evident that A6 supplied Prestige Pressure Cookers replacing the duplicate Pressure Cookers on 17-10-2015 after lodging the complaint by LW.1. On verification of the entries in the Register of CDPO Office, Kamalapuram, it is evident that A6 supplied Prestige Pressure Cookers replacing the duplicate Pressure Cookers on 16-10-2015 after lodging the complaint by LW.1. On verification of the entries in the Stock Registers of CDPO office, Lakkireddipalli, it is evident. that A6 supplied Prestige Pressure Cookers replacing the duplicate Pressure Cookers after lodging the complaint by LW.1. On verification of the entries in the Register of CDPO office, Kadapa Rural, it is evident that A6 made short supply of the Pressure Cookers to CDPO, Kadapa Rural as on 16-06-2014. The I.O LW.39 has seized the above 'Stock Registers' under cover of Police proceedings.

6. The IOs of the CCS, Kadapa have also obtained the following documents from the Office of Project Director, DW & CDA, Kadapa :

1. Copy of Memo No.4462/ICDS-A1/2013 Dated 08-01-2014 of the Principal Secretary to Government, Department for Women, Children, Disabled & Senior citizens, Hyderabad, contains the Endorsement of Commissioner Women Development & Child Welfare Department, Hyderabad vide Endt. No.1866/J2/2013 dated 10.02.2014.
2. Original Comparative Statement for supply of Pressure Cookers for 2013-14 prepared on 05-03-2014 when the DPC finalized the tender of A6. It contains the signatures of Chairman and Members of DPC.
3. Original Proceedings No.2560/A1/2013 dated 06-03-2014 of the Joint Collector/Chairman of the District Purchase Committee, Kadapa
4. Original Proceedings No.2560/A1/2013 dated 12-03-2014 of Project Director, DW & CDA, Kadapa.
5. Attested copies of Proforma Credit Bill No.51 dated 10-03-2014 &Bill No. 52 dated 10-03-2014 of M/s, M& S Enterprises, Proddatur.

6. Served Notice on A1 to A5, vide R.C No.2560/A1/2013 dated 05-08-2015 of the Project Director, DW & CDA, Kadapa.
7. Attested copy of Enquiry report office note File No.2560/A1/2015 dated 07-08-2015 of Project Director, DW & CDA, Kadapa.
8. Attested copy of office note file No.2560/A1/2015 dated 12-09-2015.
9. Original delivery receipts in 5 numbers issued by A1 to A5 respectively without mentioning the date, as token of receipt of Prestige Pressure Cookers from A6 P.Madhusudhan Reddy Proprietorof M/s M&S Enterprises Proddatur, as per their requirement.
10. Original delivery receipts in 5 numbers issued by the CDPOs of Kadapa Rural, Kamalapuram, Lakkireddipalli, Rayachoti and Sidhout respectively by mentioning the receiving date, as token of receipt of Prestige Pressure Cookers from M/s M&S Enterprises, Proddatur, at the time of replacement.
11. Attested copy of acknowledgement dated 27-05-2014 in respect of the receipt of D.D/cheque No.835529 dated 26-03-2014 by A6 P. Madhusudhan Reddy.
12. Reply dated 23-11-2019 from Project Director, DW&CDA Kadapa, addressed to the SI, Central Crime Station, Kadapa, stating the present stage of departmental proceedings against A1 to A5 & A7.

7. And whereas, all the above establishes the facts that the Public Servants A1 to A5 being the CDPOs and A7 being the Project Director, have entered into criminal conspiracy with the supplier A6 who is Proprietor of M/S M & S Enterprises, Proddatur for their pecuniary gains. In furtherance of their criminal conspiracy A7 issued financial sanction and payment to A6, prior to receipt of even single item of Pressure Cooker, by violating the condition imposed in the orders of the Joint Collector/Chairman of District Purchase Committee, Kadapa. Later A6 has leisurely supplied the Pressure Cookers to the CDPOs concerned, except A1 to A5, as per the requirement. Towards the quota of A1 to A5, the A6 supplied local made, low cost and unsafe 'Prasanthi Pressure Cookers' of 818 numbers (5 liters) & 856 numbers (7.5 liters) and also resorted for short supply of 53 numbers (5 liters) & 3 numbers (7.5 liters) Cookers, as per the requirement. By intentionally hiding the above facts A1 to A5 issued delivery receipts to A6 as they received all the Prestige Brand Pressure Cookers from A6 as per their requirement, and disbursed the same to Anganwadi Centers of their respective jurisdiction. By way of supplying some cheap quality, unsafe local made Pressure Cookers instead of approved brand of Prestige Pressure Cookers and resorted for short supply of Cookers, the A1 to A7 had illegally earned an amount of Rs.10,05,620/- being the differential cost, and the said amount was misappropriated by A1 to A7 for their pecuniary gains, thereby cheated the Government and Public. Further the Prasanthi Cookers supplied by the A6 are not company made and the brand name of Prasanthi on the Cookers may be manipulated and the usage of said Cookers may expose the poor children to quite unwarranted hazards. After learning about conducting departmental enquiry and lodging the complaint by LW.1, the A1 to A7 had fear about future consequences, and through A6, they replaced the cheap quality Prasanthi Pressure Cookers by supplying Prestige Brand Pressure Cookers, and also fulfilled the short supply to the concerned CDPOs, as per the requirement. Said redressal act of the accused stands as evidence to prove the guilt of accused. In the circumstances mentioned supra, the oral and documentary evidence proved the guilt of the accused A1 to A5 & A7 who are liable for punishment under sections 120-B, 409 read with 34 of IPC, 1860(ACT NO. 45 of 1860).

8. The above accused (1) Smt. V. Arunakumari is in service and presently working as CDPO, ICDS Project, Kadapa Urban, (2) Smt. C. Sreemathamma is in service and presently working as ACDPO, ICDS Project, Rayachoti, (3) Smt. P. Rama Devi is in service and presently working as CDPO, ICDS Project, Kadapa Rural, (4) Smt. P. Bharathi CDPO retired from service on Superannuation on 30-06-2019 and (5) Smt. P. Nirmala is in service and presently working as CDPO, ICDS Project, Rajampet of YSR District. The A7 K. Leelavathi, Formerly Project Director, (DW & CDA), Kadapa died on 24-07-2019 while in service. The sanction of prosecution orders under section 197 of Cr.P.C

1973, is necessary to prosecute the above mentioned accused A1 to A5 for the above mentioned offence.

9. Now, therefore, in exercise of the powers conferred under Clause under section 197 of Code of Criminal Procedure code 1973, the Government of Andhra Pradesh, do hereby accord sanction for the prosecution of the said (1) Smt. V. Arunakumari presently working as CDPO, ICDS Project, Kadapa Urban, (2) Smt. C. Sreemathamma presently working as ACDPO, ICDS Project, Rayachoti, (3) Smt. P. Rama Devi presently working as CDPO, ICDS Project, Kadapa Rural, (4) Smt. P. Bharathi CDPO who retired from service on Superannuation on 30-06-2019 and (5) Smt. P. Nirmala presently working as CDPO, ICDS Project, Rajampet of YSR District, for the aforesaid offences under sections 120-B, 409 read with 34 of Indian Penal Code 1860 (ACT NO. 45 OF 1860), and for any provisions of law in respect of the aforesaid acts are purporting to act in discharge of their official duties and for taking cognizance of the offences by the court of competent jurisdiction. Further authorize the Sub-Inspector of Police, Central Crime Station, Kadapa, who is the Investigation officer in this case, to prosecute the above mentioned accused for aforesaid offences in the competent court of competent jurisdiction.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To:
The Superintendent of Police,
YSR District,
KADAPA.

Copy to:
The Law (E) Department.
The Secy., APVC.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER